

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CV 9394

DOC #

Mint, Inc.,

Plaintiff,

v.

Shokomoko
and
Amazon.com, Inc.

Defendants.

CIVIL COMPLAINT

-CV-

JURY TRIAL DEMANDED

2010 DEC 17 AM 8:33

U.S. DISTRICT COURT
S.D. OF N.Y.

ama

The Parties

1. Plaintiff is a New York corporation with offices at 601 West 26th Street, Suite 1820A, New York, NY 10001.
2. Defendant Shokomoko is, upon information and belief, a business entity with a principal place of business in Israel.
3. Defendant Amazon.com, Inc. is a Delaware corporation with offices at 1200 12th Avenue South, Suite 1200, Seattle Washington 98144.

Nature of the Action

4. This action is brought in part under section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) (trade dress infringement).
5. This action is brought in part under 17 U.S.C. § 501 (copyright infringement).
6. This action is brought in part under 35 U.S.C. § 271 (patent infringement).
7. This action is brought in part for common law unfair competition and trademark infringement.

Jurisdiction and Venue

8. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338.
9. Jurisdiction for the common law unfair competition and trademark infringement causes of action is proper under 28 U.S.C. § 1367.
10. Jurisdiction is further proper under N.Y.C.P.L.R. § 302(a).
11. Venue is proper under 28 U.S.C. § 1391(b)(2) and 28 U.S.C. § 1391(c).

Facts

12. In or about 2001, Alberto Mantilla created the sculptural work entitled “Hugging Salt and Pepper Shakers” depicted in Exhibit 1.

13. Mr. Mantilla applied for copyright registration of the “Hugging Salt and Pepper Shakers” on or about September 18, 2001. The United States Copyright Office granted registration of the work effective September 27, 2001. See Exhibit 2.

14. Mr. Mantilla assigned his copyright in the “Hugging Salt and Pepper Shakers” to plaintiff Mint Inc. effective January 1, 2008. See Exhibit 3.

15. On or about August 24, 2001, Mr. Mantilla filed for a design patent for the ornamental design of the “Hugging Salt and Pepper Shakers” sculptural work. On October 22, 2002, the United States Patent Office granted U.S. Design Patent No. D464,532 (the “‘532 Patent”) based on Mr. Mantilla’s application. See Exhibit 4.

16. Mr. Mantilla assigned the ‘532 Patent to Curve I.D., Inc., which subsequently assigned it to plaintiff. See Exhibit 5.

17. Through his company, plaintiff Mint, Inc., Mr. Mantilla has sold salt and pepper shakers, called the “Hug”, embodying the “Hugging Salt and Pepper Shakers” sculptural work.

18. Since its introduction in 2002, plaintiff has widely advertised its Hug product and sold thousands of units of the same.

19. Upon information and belief, Defendant Shokomoko is a retailer in the business of selling products in part on Amazon.com.

20. Defendant Shokomoko has advertised and offered for sale unauthorized copies of Plaintiff's "Hugging Salt and Pepper Shakers" on Amazon.com. See Exhibit 6. Upon information and belief, defendant Shokomoko has sold unauthorized copies of Plaintiff's "Hugging Salt and Pepper Shakers" on Amazon.com.

21. Defendant Shokomoko sells its unauthorized products in packaging that is confusingly similar and/or substantially identical to Plaintiff's packaging.

22. Defendant Amazon.com has provides the technology and infrastructure supporting defendant Shokomoko's unauthorized advertising and sales.

23. By letter dated October 21, 2010, plaintiff expressly notified defendant Amazon.com of plaintiff's design patent, copyright and trade dress rights in the "Hugging Salt and Pepper Shakers." See Exhibit 7.

24. Plaintiff's October 21 letter demanded, among other things, that Amazon.com remove all references to the infringing products from its website.

25. Plaintiff received no response to the October 21 demand letter, and defendants Amazon.com and Shokomoko continued to sell the infringing product.

26. In a follow up letter dated November 5, 2010, plaintiff again demanded that defendant Amazon.com remove the infringing material from its website. See Exhibit 8.

27. To date, Plaintiff has received no response to the November 5 follow up letter, and defendants Amazon.com and Shokomoko continue to sell the infringing product.

28. Defendants Amazon.com and Shokomoko's sales of unauthorized, counterfeit copies of plaintiff's "Hug" product have been in willful disregard of plaintiff's copyrights, patent rights and trade dress rights.

**First Count
Patent Infringement**

29. Plaintiff hereby incorporates the above allegations as if stated fully herein.

30. Each defendant's importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff's "Hug" product embodies the patented design such that an ordinary observer would be deceived into believing that Defendants' product is the same as the patented "Hug" design.

31. Each defendant's importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff's "Hug" product constitutes patent infringement under 35 U.S.C. § 271.

32. Plaintiff has been and continues to be irreparably harmed by each defendant's infringement.

**Second Count
Copyright Infringement**

33. Plaintiff hereby incorporates the above allegations as if stated fully herein.

34. Through plaintiff's widespread advertising and sales, each defendant has had ample access and opportunity to view the infringed work.

35. Each defendant has literally and/or directly copied plaintiff's copyrighted design in its "Hug" product, such copies infringing plaintiff's copyright.

36. Plaintiff has been and continues to be irreparably harmed by each defendant's infringement.

**Third Count
Counterfeiting**

37. Plaintiff hereby incorporates the above allegations as if stated fully herein.

38. Each defendant's unauthorized, counterfeit copies of plaintiff's "Hug" product are counterfeit pursuant to 15 U.S.C. § 1117.

39. Plaintiff has been and continues to be irreparably harmed by each defendant's counterfeiting.

**Fourth Count
Trade Dress Infringement**

40. Plaintiff hereby incorporates the above allegations as if stated fully herein.

41. Plaintiff's product design of its "Hug" product and packaging serve to identify the source of the "Hug" product, and therefore constitutes protectable trade dress.

42. Each defendant's importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff's "Hug" product is likely to cause confusion, and upon information and belief, has caused confusion, in consumers as to the authorized source of the "Hug" products and/or the source of each defendant's unauthorized, counterfeit copies.

43. Each defendant's importation, offer for sale and sale of salt and pepper shakers in unauthorized, counterfeit copies of plaintiff's packaging is likely to cause confusion, and upon

information and belief, has caused confusion, in consumers as to the authorized source of the “Hug” products and/or the source of each defendant’s unauthorized, counterfeit copies.

44. Each defendant’s importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff’s “Hug” product constitutes trade dress infringement of plaintiff’s trade dress in violation of 15 U.S.C. § 1125(a).

45. Each defendant’s importation, offer for sale and sale of salt and pepper shakers in unauthorized copies of plaintiff’s packaging constitutes trade dress infringement of plaintiff’s trade dress in violation of 15 U.S.C. § 1125(a).

46. Plaintiff has been and continues to be irreparably harmed by each defendant’s infringement.

Fifth Count
Common Law Trademark/Trade Dress Infringement

47. Plaintiff hereby incorporates the above allegations as if stated fully herein.

48. Plaintiff’s product design of its “Hug” product and/or its product packaging serve to identify the source of the “Hug” product, and therefore constitute protectable trade dress of plaintiff.

49. Each defendant’s importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff’s “Hug” product is likely to cause confusion, and upon information and belief, has caused confusion, in consumers as to the authorized source of the “Hug” products and/or the source of each defendant’s unauthorized, counterfeit copies.

50. Each defendant’s importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff’s “Hug” product constitutes common law trademark/trade dress infringement of plaintiff’s trade dress.

51. Plaintiff has been and continues to be irreparably harmed by each defendant's infringement.

**Sixth Count
Common Law Unfair Competition**

52. Plaintiff hereby incorporates the above allegations as if stated fully herein.

53. Plaintiff's product design of its "Hug" product and/or its product packaging serve to identify the source of the "Hug" product, and therefore constitute protectable trade dress of plaintiff.

54. Each defendant's importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff's "Hug" product is likely to cause confusion, and upon information and belief, has caused confusion, in consumers as to the authorized source of the "Hug" products and/or the source of each defendant's unauthorized, counterfeit copies.

55. Each defendant's importation, offer for sale and sale of the unauthorized, counterfeit copies of plaintiff's "Hug" product constitutes common law unfair competition.

56. Plaintiff has been and continues to be irreparably harmed by each defendant's actions.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in favor Plaintiff:

A. Awarding actual damages to plaintiff for each defendant's patent infringement under 35 U.S.C. §285, in an amount to be determined, but in no event less than a reasonable royalty;

B. Awarding actual damages to plaintiff for each defendant's copyright infringement

and counterfeiting under 17 U.S.C. § 504, in an amount to be determined;

C. Awarding to plaintiff of all profits realized by each defendant for its copyright infringement and counterfeiting defendant under 17 U.S.C. § 504(b);

D. Awarding statutory damages in the amount of \$150,000 for each defendant's willful infringement under 17 U.S.C. § 504(c)(2).

E. Awarding actual damages to plaintiff for each defendant's trade dress infringement under 15 U.S.C. § 1117, in an amount to be determined;

F. Awarding to plaintiff each defendant's profits, realized by defendant through its trade dress infringement, under 15 U.S.C. § 1117, in an amount to be determined;

G. Awarding actual damages to plaintiff for each defendant's common law trademark/trade dress infringement and unfair competition, in an amount to be determined;

H. Awarding exemplary damages to plaintiff in an amount equal to three times the actual damages and profits awarded;

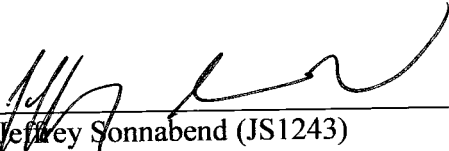
I. Awarding plaintiff its costs and attorneys' fees;

J. Permanently enjoining each defendant from importing, offering for sale and selling any product which infringes plaintiff's copyrights, patent rights and trade dress rights.

K. Requiring each defendant to undertake remedial action, to be approved by the Court, designed to correct the confusion caused by each defendant's use of plaintiff's protected trade dress; and

L. Providing all other equitable relief that the Court deems just and proper.

Respectfully submitted,
Plaintiff,
by its attorney,



Jeffrey Sonnabend (JS1243)
SonnabendLaw
600 Prospect Avenue
Brooklyn, NY 11215-6012
718-832-8810
JSonnabend@SonnabendLaw.com

Dated: December 15, 2010

Exhibit 1
to
Mint Inc. v. Amazon and Shokomoko
Complaint
Authentic Hugging Salt and Pepper Shakers

1234



Exhibit 2
to
Mint Inc. v. Amazon and Shokomoko
Complaint
Mantilla Copyright Registration

08/26/2008 15:04 FAX 12123520169

MINT INC / CURVE ID

001/005

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
 REGISTER OF COPYRIGHTS
 United States of America

OFFICIAL SEAL

FORM VA

For a Work of the Visual Arts
UNITED STATES PATENT AND TRADEMARK OFFICE

RE

VAN 527-478



EFFECTIVE DATE OF REGISTRATION

SEP 27 2001

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

HUGGING SALT AND PEPPER SHAKERS

NATURE OF THIS WORK See instructions

SCULPTURAL SHAKERS

PREVIOUS OR ALTERNATIVE TITLES

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer for whom the work was prepared as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR

a ALBERTO MANTILLA

DATES OF BIRTH AND DEATH

Year Born Year Died

12.17.59

Was this contribution to the work a "work made for hire"?

☐ Yes☒ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

U.S.A.

Was This Author's Contribution to the Work

Anonymous? ☒ Yes ☐ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☒ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

NAME OF AUTHOR

b

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☒ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

3

Year in Which Creation of This Work Was Completed

2001

Date and Nation of First Publication of This Particular Work

Complete this information

Only if this work has been published.

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

ALBERTO MANTILLA
 62-08 ELLWELL CRESCENT, REGO PARK
 NY NY 11374

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

SEP 27 2001

ONE DEPOSIT RECEIVED

SEP 27 2001

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE
 Page 1 of 2 Pages

08/26/2008 15:05 FAX 12123520183

MINT INC / CURVE ID

002/005

EXAMINED BY

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished formb. ☐ This is the first application submitted by this author as copyright claimantc. ☐ This is a changed version of the work, as shown by space 6 on this application

If your answer is "Yes," give: Previous Registration Number

Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Presenting Material Identify any preexisting work or works that this work is based on or incorporates

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account

Name

Account Number

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

ANTHONY BAXTER

137 VARICK STREET, 8th FLOOR, NEW YORK, N.Y. 10013

Area code and daytime telephone number (212) 352 0168

File number (212) 352 0169

Email tony@curveid.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

☒ creator☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date

ALBERTO MANTILLA

Date 9.18.01

Handwritten signature (X)

Certificate
will be
mailed in
window
envelope
to this
address:

Name

ANTHONY BAXTER

Number/Street/Apt

137 VARICK STREET, 8th FL

City/State/ZIP

NEW YORK, N.Y. 10013

INSTRUCTIONS

1. Complete all necessary spaces

2. Sign your application in space 8

3. Pay the registration fee

4. The Copyright Office will mail you a certificate

1. Application form

2. Nonrefundable filing fee in check or money

3. Deposit material

Library of Congress

Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20559-6000

U.S.C. § 506(e). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

June 1999 - 100,000

WEB REV. June 1999

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U.S. GOVERNMENT PRINTING OFFICE: 1999-554-679/71

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MINT INC / CURVE ID

003/005



08/26/2008 15:08 FAX 12123520169

MINT INC / CURVE ID

004/005



Exhibit 3
to
Mint Inc. v. Amazon and Shokomoko
Complaint

Copyright Assignment from Mr. Mantilla to Mint., Inc.


Document Cover Sheet
 UNITED STATES COPYRIGHT OFFICE

For Recordation of Documents

Volume _____ Document _____

Volume _____ Document _____

Date of recordation M _____ D _____ Y _____
(ASSIGNED BY THE COPYRIGHT OFFICE)

Funds received _____

DO NOT WRITE ABOVE THIS LINE - SEE INSTRUCTIONS ON REVERSE

To the Register of Copyrights: Please record the accompanying original document or properly certified copy thereof.

1 First party name given in the document Alberto Mantilla
(IMPORTANT: Please read instruction for this and other spaces.)

2 First title given in the document Hugging Salt and Pepper Shakers

3 Total number of titles in the document 1

4 Amount of fee calculated 95

5 Fee enclosed ☒ Check ☐ Money order
☐ Fee authorized to be charged to Copyright Office deposit account
Deposit account number _____
Deposit account name _____

6 Completeness of document ☒ Document is complete by its own terms ☐ Document is not complete. Record "as is."
IMPORTANT NOTE: A request to record a document "as is" under 37 CFR §201.4(c)(2) is an assertion that: (a) the attachment is completely unavailable for recordation; (b) the attachment is not essential to the identification of the subject matter of the document; and (c) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference to the attachment.

7 Certification of Photocopied Document Complete this certification if a photocopy of the original signed document is substituted for a document bearing the actual original signature.
NOTE: This space may not be used for documents that require an official certification.
I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document.
Signature [Signature] Date 3-30-2009
Duly authorized agent of assignor and assignee

8 Return to:
Name Jeffrey Sonnabend
Number/street 600 Prospect Avenue Apt/suite _____
City Brooklyn State NY Zip 11215-6012
Phone number 718-832-8810 Fax number 718-832-2767
Email jsonnabend@sonnabendlaw.com

SEND TO: Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000
INCLUDE ALL THESE TOGETHER: (1) Two copies of this form; (2) payment from a deposit account or by check/money order payable to Register of Copyrights; and (3) your document.

COPYRIGHT ASSIGNMENT

This Agreement is by and between Alberto Mantilla, 62 08 Ellwell Crescent, Rego Park, NY 11374 ("Mantilla") and Mint Inc., 601 West 26th Street Suite 1820A, New York, NY 10001 ("Mint").

WHEREAS Mantilla is the copyright author the sculptural works entitled "Hugging Salt and Pepper Shakers";

WHEREAS Mantilla is sole and exclusive owner of all rights, title and interest in the copyrights in the sculptural work and owner of copyright registration VAu 527-478 in the sculptural work;

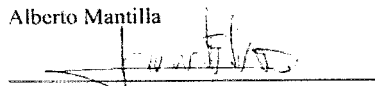
WHEREAS Mantilla wishes to assign all of his rights, title and interest in the sculptural work and the copyright registration therein to Mint;

WHEREAS the undersigned individual has the authority to bind Mint;

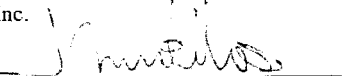
THEREFORE, for the mutual covenants contained herein and for good and valuable consideration, the sufficiency of which the parties hereby acknowledge, Mantilla hereby assigns to Mint all rights, title and interest in the sculptural work and copyright registration VAu 527-478 to the full end of the term of copyright and for all renewals thereof, as fully and entirely as the same would have been held by Mantilla had this assignment not been made.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and agreed as of January 1, 2008.

Alberto Mantilla



Mint Inc.

By: 

Name: ALBERTO MANTILLA

Title: _____

Exhibit 4
to
Mint Inc. v. Amazon and Shokomoko
Complaint
Design Patent



US00D464532S

(12) **United States Design Patent** (10) **Patent No.:** **US D464,532 S**
Mantilla (45) **Date of Patent:** **** Oct. 22, 2002**

(54) **SPICE SHAKER**

(75) **Inventor:** **Alberto Mantilla**, Rego Park, NY (US)

(73) **Assignee:** **Curve L.D., Inc.**, New York, NY (US)

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/147,219**

(22) **Filed:** **Aug. 24, 2001**

(51) **LOC (7) Cl.** **07-06**

(52) **U.S. Cl.** **D7/594**

(58) **Field of Search** D7/591-598; D9/311,
D9/316; 222/142.1-142.9, 480; D11/157,
160, 128

(56) **References Cited**

U.S. PATENT DOCUMENTS

D158,943 S * 6/1950 Dokus et al. D7/595
2,560,755 A * 7/1951 Bendel 222/142.2 X

OTHER PUBLICATIONS

1002 Salt and Pepper Shakers, Carey and Tompkins, 1995,
p. 95, 'seasoned kissers', top, right corner.*

* cited by examiner

Primary Examiner—Terry A. Wallace

(74) *Attorney, Agent, or Firm*—Hayes Soloway PC

(57) **CLAIM**

I claim the ornamental design for a spice shaker, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a spice shaker;

FIG. 2 is a right side view of the spice shaker of FIG. 1;

FIG. 3 is a left side view of the spice shaker of FIG. 1;

FIG. 4 is a top view of the spice shaker of FIG. 1;

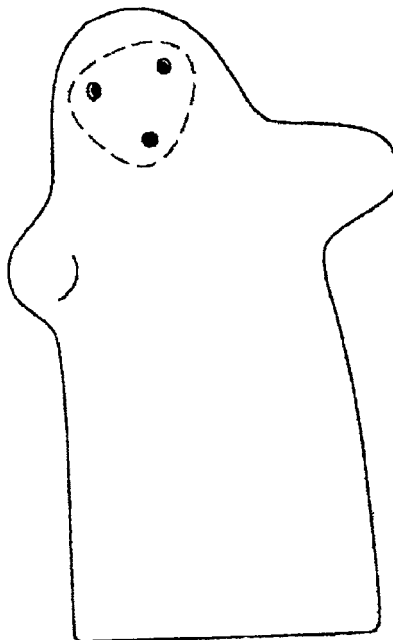
FIG. 5 is a bottom view of the spice shaker of FIG. 1;

FIG. 6 is a perspective view of the spice shaker of FIG. 1; and,

FIG. 7 is a perspective view thereof with another shaker shown in broken lines for illustrative purposes only and forming no part of the claimed design.

Portion of the article shown in dotted/dashed line illustration is not considered part of claimed design.

1 Claim, 2 Drawing Sheets



U.S. Patent

Oct. 22, 2002

Sheet 1 of 2

US D464,532 S

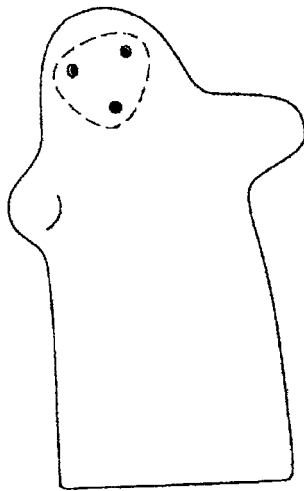


FIG 1

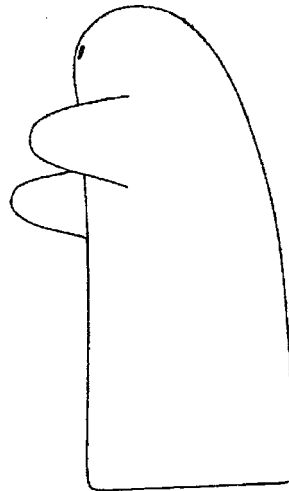


FIG 2

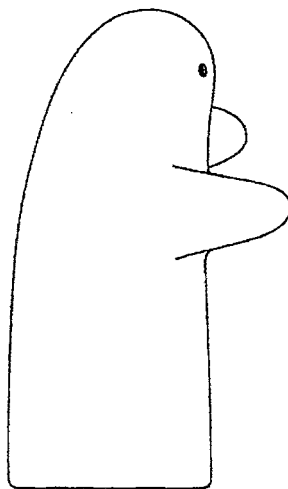


FIG 3

Exhibit 5
to
Mint Inc. v. Amazon and Shokomoko
Complaint
Design Patent Assignment

USPTO 4/1/2009 12:09:35 PM PAGE 2/004 Fax Server
TO:JEFFREY SONNABEND COMPANY:600 PROSPECT AVENUE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



500821422A

MARCH 31, 2009

PTAS

JEFFREY SONNABEND
600 PROSPECT AVENUE
BROOKLYN, NY 11215-6012

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 03/30/2009

REEL/FRAME: 022460/0869
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: MIN2.001

ASSIGNOR:
CURVE ID INC.

DOC DATE: 01/01/2008

ASSIGNEE:
MINT INC.
601 WEST 26TH STREET
SUITE 1820A
NEW YORK, NEW YORK 10001

SERIAL NUMBER: 29147219
PATENT NUMBER: D464532
TITLE: SPICE SHAKER

FILING DATE: 08/24/2001
ISSUE DATE: 10/22/2002

Exhibit 6
to
Mint Inc. v. Amazon and Shokomoko
Complaint
Unauthorized Sales

amazon.com
Prime

Hello, Jeffrey Sonnabend. We have [recommendations](#) for you. (Not Jeffrey?)

Jeffrey's Amazon.com [Today's Deals](#) [Gifts & Wish Lists](#) [Gift Cards](#)

Shop All Departments

Search Home, Garden & Pets

GO

Kitchen & Dining

Bestsellers

Markdowns

Cookware

Small Appliances

Cook's Tools

Tableware

Cutlery

Prime

Member: Jeffrey
Sonnabend

This item is not eligible for Amazon Prime when purchased from shokomoko. [See more buying choices](#)

"LOVE AND HUGS" SALT & PEPPER SHAKER SET *GREAT GIFT IDEA FOR FRIENDS, LOVED ONES, WEDDING, ETC"

by Salt & Pepper Shaker Sets

★★★★☆ (10 customer reviews)

Share [Facebook](#) [Twitter](#)

List Price: ~~\$60.00~~

Price: \$9.89

You Save: \$50.11 (84%)

In Stock.

Ships from and sold by **shokomoko**.

2 new from \$9.89

[See Similar](#)

[See larger image and other views](#)



[Share your own customer images](#)

Frequently Bought Together

Customers buy this item with The Ex 5-Piece Knife Set with Unique Black Holder Designed By Raffaele Iannello CSB Commodities \$69.92

Price For Both: \$79.81



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Product Features

- Made with high-quality PVC, not ceramic.

Product Details

Item Weight: 12.8 ounces

Shipping Weight: 2 pounds ([View shipping rates and policies](#))

ASIN: B000J1RXQ4

Average Customer Review: ★★★★★ (10 customer reviews)

Amazon Bestsellers Rank: #3,913 in Kitchen & Dining ([See Top 100 in Kitchen & Dining](#))

#3 in [Kitchen & Dining](#) > [Kitchen Utensils & Gadgets](#) > [Salt & Pepper](#) > **[Salt & Pepper Shaker](#)**
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Product Description

Product Description

As featured in Wallpaper- and I.D. magazine. The very nature of this set connotes love, making it a perfect gift. The bold use of black and white suggests that we are all brothers and sisters on this planet and we need kindness, compassion and respect. The rethinking of a salt and pepper set on this level, as well the design and the inherent ergonomic and storage benefits that it provides all contribute to the design's height.

Product Ads from External Websites ([What's this?](#))



Nambe Kissing Salt & Pepper Shakers

★★★★★ (2) \$79.00
+ Free Shipping
✓ **Best Crystal**



Namb Metal Alloy Kissing Salt and Pepper Shakers

★★★★★ (2) \$79.00
+ \$7.22 Est. shipping
✓ **HSN**



Hug Salt and Pepper Shakers

★★★★ (10) \$23.95
+ \$6.00 Est. shipping
✓ **Vat19 Gifts**



Nambe Pepper Shaker

★★★
+ \$8.95
✓ **Bo**

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- **Bulk Salt/Pepper Shakers** [↗](#)
LionsDeal.com/Salt-Pepper-Shakers - Guaranteed lowest prices. Free shipping on select
- **Salt Pepper Shaker set** [↗](#)
CreativeWithClay.Etsy.com - Buy Unique **Gifts** Free **Gift** with every purchase
- **Salt & Pepper Shaker** [↗](#)
www.HSN.com - Tableware With Class & Flair from Colin Cowie, N

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Tags will help all customers organize and find favorite items.

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Black White Hugs Salt and Pepper Shaker Set T-Trove

★★★★★ (1)
\$11.88



Kate Aspen Two Peas in A Pod - Ceramic Salt and Pepper Shakers by Kate Aspen

★★★★★ (11)
\$4.00



Casper Hugging Salt and Pepper Shakers Set Abbott

\$9.99

Free

Pay

★ ★

\$9

Rate This Item to Improve Your Recommendations

☐ I own it

☐ Rate this item

Exhibit 7
to
Mint Inc. v. Amazon and Shokomoko
Complaint

October 21, 2010 Letter from Mint to Amazon

LAW

Jeffrey Sonnabend
Attorney at Law

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Brooklyn, NY 11215
718.332.8810
JSonnabend@SonnabendLaw.com

October 21, 2010

Via Email

Copyright Agent
Amazon.com Legal Department
P.O. Box 81226
Seattle, WA 98108

Re: Vendor Shokomoko "Love and Hugs" Product
Copyright, Design Patent and Trade Dress Infringement

Dear Sirs:

I am legal counsel to Mint, Inc. ("Mint"). Mint is the producer of the original "Hug" salt and pepper shakers depicted in Exhibit 1 hereto. Mint owns important intellectual property rights in the "Hug" product design, including: design patent rights (U.S. Design Patent D464,532); copyrights (registration VAu 527-478); and trade dress rights. See Exhibit 2 hereto.

Mint recently learned that one of your marketplace participants, "Shokomoko," has been offering for sale, selling and displaying on your website counterfeit copies of Mint's "Hug" product without authorization by Mint. See Exhibit 3 hereto containing printouts of the relevant pages from your website.

Shokomoko's purchase, offer for sale and sale of the counterfeit, unauthorized copies constitutes patent infringement under 35 U.S.C. § 271, copyright infringement under 17 U.S.C. § 501, and trade dress infringement under section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Your provision of marketplace and website services to Shokomoko facilitates Shokomoko's infringement, thereby rendering you a contributory, if not direct, infringer as well.

I have a good-faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law.

I declare under penalty of perjury that the above information is accurate and that I am authorized to act on the copyright owner's behalf

Copyright Agent
October 21, 2010
page 2

By this letter, Mint hereby demands that you immediately:

1. remove from your website images of and reference to all counterfeit goods and materials relating thereto;
2. provide to Mint the complete identity and contact information for Shokomoko;
3. cease and desist from displaying, offering for sale and selling all copies of Mint's "Hug" product and colorable imitations thereof via Shokomoko's pages on your website or otherwise; and
4. provide to Mint an accounting of all sales made by Shokomoko of copies of Mint's "Hug" product via your website, including providing documentation sufficient to show the number of units sold by Shokomoko and the gross proceeds realized for such sales.

Please confirm within one week that you will comply with Mint's demands.

Sincerely,



Jeffrey Sonnabend

Copyright Agent
Amazon.com Legal Department
November 5, 2010
Page 2

I look forward to hearing from you no later than November 15, 2010.

Sincerely

A handwritten signature in dark ink, appearing to read "Jeffrey Sonnabend", written over a light blue horizontal line.

Jeffrey Sonnabend